

## **Exhibit A**



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4  
Entered on Docket  
September 04, 2009

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

5  
**LEWIS AND ROCA LLP**

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14 Attorneys for USACM Liquidating Trust

15 **UNITED STATES BANKRUPTCY COURT**

16 **DISTRICT OF NEVADA**

17 In re:

18 USA COMMERCIAL MORTGAGE COMPANY,

19 USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

20 USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

22 USA SECURITIES, LLC,<sup>3</sup>

23 Debtors.

24 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRTEENTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED,  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE BAY POMPANO  
BEACH LOAN**

Hearing Date: August 21, 2009  
Hearing Time: 9:30 a.m.

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<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1       The Court having considered the “Thirteenth Omnibus Objection of USACM Trust  
2 to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano  
3 Beach Loan” [Docket No. 7291] (the “Objection”); with appropriate notice of the  
4 Objection having been given; and good cause appearing:

5       **IT IS HEREBY ORDERED** that:

6       1.       The Objection is sustained.  
7       2.       All other claims listed on **Exhibit A** attached are allowed as general  
8                unsecured claims for the amount shown on **Exhibit A** as Unremitted  
9                Principal. The remainder of those claims are disallowed to the extent  
10              they are based upon a Direct Lender investment in the Bay Pompano  
11              Beach Loan as shown on **Exhibit A**; and  
12       3.       To the extent the claims listed on **Exhibit A** are based upon  
13              investments in loans other than the Bay Pompano Beach Loan, this  
14              order does not affect them and the USACM Trust may file further  
15              objections.

16       PREPARED AND RESPECTFULLY SUBMITTED BY:

17       **LEWIS AND ROCA LLP**

18       By /s/ Marvin Ruth (#10979)

19                Rob Charles  
20                John Hinderaker  
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26                *Attorneys for USACM Liquidating Trust*

1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed

4 in this case.

5  I have delivered a copy of this proposed order to all counsel who appeared at the

6 hearing, any unrepresented parties who appeared at the hearing, and any trustee

7 appointed in this case, and each has approved or disapproved the order, or failed

to respond, as indicated below (list each party and whether the party has

approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 #####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ Marvin Ruth (#10979)

18 Rob Charles

19 John Hinderaker

20 Marvin Ruth

21 *Attorneys for USACM Liquidating Trust*

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitting Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-02334	Davis Family Trust	C/O Joseph Davis & Marion Sharp Co-Trustees 3100 Ashby Ave Las Vegas, NV 89102-1908	1,500,000.00	45,884.10	12,285.97	33,598.13
10725-02359	Janice A Lucas IRA	1310 Secret Lake Loop Lincoln, CA 95648-8412	152,121.34	75,464.72	12,285.97	63,178.75
10725-02403	Weible 1981 Trust DTD 6/30/81	Dean F & Ardis Weible Co Trustees 6314 Tara Ave Las Vegas, NV 89146	555,676.78	74,011.56	12,285.97	61,725.59
10725-02483	Novak Living Trust DTD 10/21/97	C/O Frank T Novak & Patricia A Novak Trustees 2593 Sumter St Henderson, NV 89052-7113	22,967.05	22,944.23	12,285.97	10,658.26
10725-00801	Freedom Properties Inc	1820 Star Pine Ct Reno, NV 89523-4807	450,000.00	50,000.00	12,285.97	37,714.03
10725-02233	Eddie Mayo & Jocelyne Helzer Jt Ten	1115 South Deer Run Rd Carson City, NV 89701	511,906.46	74,011.56	12,285.97	61,725.59
10725-02411	Allen M & Dorothy H Nirenstein 1992 Rev Trust	Dtd 3/4/92 Allen & Dorothy Nirenstein Trustees 403 Woodland Rd Kentfield, CA 94904-2635	805,639.26	Unknown	12,285.97	Unknown
10725-02175	Simmons Hwjtwros, Alan R & Judith B	Po Box 13296 South Lake Tahoe, CA 96151-3296	1,186,288.22	74,011.56	12,917.33	61,094.22
10725-01581	Teeter IRA Rollover, Louise	4201 Via Marina, Suite 300 Marina Del Rey, CA 90292	197,814.00	15,324.25	14,988.89	335.36
10725-02123	Universal Management Inc A Nevada Corp	8080 Harborview Rd Blaine, WA 98230	1,438,118.00	109,538.00	18,183.24	91,354.76

**EXHIBIT A**